

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY HUTCHINSON,)	Case No. CV 12-5872 R(JC)
Petitioner,)	ORDER ACCEPTING FINDINGS,
v.)	CONCLUSIONS, AND
T. GROUNDS, Warden,)	RECOMMENDATIONS OF
Respondent.)	UNITED STATES MAGISTRATE
)	JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the original Petition for Writ of Habeas Corpus (“Original Petition”), petitioner’s Motion for Leave to File First Amended Petition for Writ of Habeas Corpus and accompanying documents (“Motion to Amend”), the First Amended Petition for Writ of Habeas Corpus by a Person in State Custody (“First Amended Petition” or “Operative Petition”) and all of the records herein, including the attached Superseding Report and Recommendation of United States Magistrate Judge (“Report and Recommendation”) and the Magistrate Judge’s October 11, 2013 order (“October Order”) which has been incorporated into the Report and Recommendation by reference. The Court approves and accepts the Report and Recommendation, including the October Order.

1 IT IS ORDERED that (1) the Motion to Amend is granted to the extent it
2 seeks leave to add Ground Five in the Operative Petition (*i.e.*, a claim that
3 petitioner's trial counsel was ineffective for failing to object to Patricia Browne's
4 testimony as not "sufficiently reliable"); (2) the Motion to Amend is denied to the
5 extent it seeks leave to add a claim that petitioner's Fourteenth Amendment right to
6 due process was violated because his jury panel allegedly did not consist of a
7 cross-section of the community as such amendment would be futile in that such
8 proposed claim is time-barred and does not relate back to claims asserted in the
9 timely Original Petition; (3) the First Amended Petition is deemed the Operative
10 Petition herein; and (4) the Operative Petition is denied on its merits and this action
11 is dismissed with prejudice.

12 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
13 Report and Recommendation (including the October Order incorporated by
14 reference therein), and the Judgment herein on petitioner and counsel for
15 respondent.

16 LET JUDGMENT BE ENTERED ACCORDINGLY.

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18 DATED: September 8, 2015

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HONORABLE MANUEL L. REAL
UNITED STATES DISTRICT JUDGE